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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,212	09/09/2003	Tadashi Kobayashi	242038US3 DIV	9106

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EXAMINER

CASAREGOLA, LOUIS J

ART UNIT PAPER NUMBER

3746

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,212

Applicant(s)

KOBAYASHI ET AL.

Examiner

Louis J. Casaregola

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/154,730.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Objections To Claims

Claims 1 and 2 are objected to under 37 CFR § 1.75(a) as containing a number of formal errors.

The errors include use of non-idiomatic English in the following instances:

"a driven equipment" in claim 1, line 4, and claim 2, line 4,

"a high pressure air" in claim 1, line 10, and claim 2, line 9,

"a pressure of the high pressure air" in claim 1, line 13, and claim 2, line 12, and

"a residual high pressure air" in claim 2, line 21.

Use of the article "a" is improper within the context of all of the above cited expressions and appropriate correction is therefore required.

In claim 1, lines 20-21, "the check valve on the outlet side of the pressure rising compressor" lacks proper antecedent basis. (Note that this is not the same check valve referred to in line 17.)

In claim 2, lines 22-23, "the discharge valve provided on the inlet side of the heat exchange section" also lacks proper antecedent basis.

In each of the above instances, "the check valve" should be changed to "a check valve".

Claim Rejections - 35 USC § 112

Claim 2 is rejected under 35 U.S.C. § 112, first and second paragraphs, as the claimed invention is not described in such full, clear, concise and exact terms as to enable any person skilled in the art to make and use the same, and/or for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 2 recites a valve opening control along with a pair of discharge valves located respectively on the outlet side of the pressure rising compressor and the inlet side of the heat exchange section; see lines 19-23. This combination of features (elements 67, 77a, and 77b) appears to be exclusive to the embodiment of Figure 27, hence, claim 2 is presumed to be directed to the Figure 27 species of the invention. Claim 2 however further specifies that the recited air recovery system is equipped with "a high pressure air recovery check valve"; see lines 15-16. No such element can be found in the Figure 27 species. It thus appears that either the disclosure relating to the Figure 27 species includes a significant error, or the claim 2 limitation requiring an air recovery check valve is inaccurate.


Allowable Subject Matter

Claim 1 contains allowable subject matter and will be allowed if amended to overcome the objections set forth above.

References

Little is cited as disclosing an example of a gas turbine engine comprising an air flow system that cools a high temperature turbine section and also provides thermal input to a fuel heat exchanger.

L. J. Casaregola
703-308-1027 (M-F; 7:30-4:00)
703-872-9306 FAX
July 27, 2004


LOUIS J. CASAREGOLA
PRIMARY EXAMINER

If repeated attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached at 703-308-2675.

Information regarding the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR, and status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).